

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the application of: Eric Victor Siegel, Eleazar Eskin, Alexander Day Chaffee and Zhi-Da Zhong

Serial No.: 09/808,911

Filed: March 14, 2001

For: ACCESS CONTROL PROTOCOL FOR USER PROFILE MANAGEMENT

Attorney Docket No.: KAQ-002

Group Art Unit:

Examiner:

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

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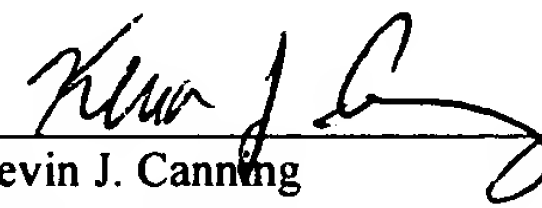
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Office of Petitions, Washington, D.C. 20231 on the date set forth below.

November 21, 2001

Date of Signature and of Mail Deposit

By:


Kevin J. Canning
Reg. No. 35,470
Attorney for Applicants

**STATEMENT OF PERTINENT FACTS IN SUPPORT OF
PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

1. I, Kevin J. Canning, am patent counsel for Kargo, Inc. In addition, I represent the inventors Eleazar Eskin and Zhi-Da Zhong in this matter.

2. On information and belief, Eric Siegel was hired by Kargo, Inc., on or before January 1, 2000, as Chief Technical Officer.

3. In connection with his acceptance of employment, Mr. Siegel executed an employment agreement (enclosed as Exhibit A) with Kargo, Inc. on January 1, 2000. In this agreement, Mr. Siegel promised to cooperate with Kargo, Inc. in securing patent protection for inventions made by him during the term of his employment at Kargo, Inc.,

and furthermore assigned and agreed to assign all inventions stemming from his employment with Kargo, Inc. (See Exhibit A, section 3 of the employment agreement).

4. Eric Victor Siegel's last known residence address is:

560 Riverside Drive, #13E
New York, New York, 10027

5. In the spring of 2001, Mr. Siegel was informed that his employment was being terminated as a result of downsizing at Kargo, Inc. Mr. Chaffee was informed that his services were no longer required.

6. On September 5, 2001, Harry Kargman, Chief Executive Officer of Kargo, Inc., informed me that there is the possibility that Mr. Siegel and Mr. Chaffee may refuse to sign the declaration for the above-identified patent application.

7. On October 12, 2001, I sent a Declaration for the above-identified patent application to Mr. Siegel for his signature by overnight mail. A Federal Express Tracking No. 8257 4339 6664 was assigned to the package which was delivered the next day at 9:46 a.m. (See Exhibit B cover letter and tracking information from overnight package).

8. I contacted Mr. Siegel on or about October 26, 2001 by telephone and he indicated that he likely will refuse to sign the paperwork due to a dispute with Mr. Kargman. He also mentioned that Alex Chaffee was seeking his advice regarding whether to sign the declaration.

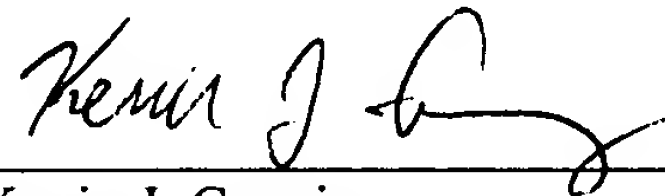
9. Alexander Day Chaffee's last known mailing address is:

c/o Purple Technology,
1836 15th Street, San Francisco,
California, 94103

10. Mr. Kargman contacted Mr. Chaffee by email on September 4, 2001, regarding his updated contact information (See Exhibit C email communication). On

September 12, 2001, I sent the Declaration to Mr. Chaffee for his signature (See Exhibit D cover letter). He has not returned the declaration or returned telephone calls regarding it.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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Date: November 21, 2001